

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendment and the following remarks, is respectfully requested.

Claims 1-10 remain pending in this application. By this amendment, Claims 1-4 and 6-10 have been amended. As the amendments to Claims 1 and 10 find support in pending Claim 5, it is respectfully submitted that no new matter has been added and that the amendments do not raise new issues requiring further consideration and/or search.

In the outstanding Office Action Claims 1, 3-6, and 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Conceded Prior Art (ACPA)<sup>1</sup> in view of Yamashita et al. (U.S. Patent No. 5,384,601, hereinafter "Yamashita"); and Claims 2 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ACPA in view of Yamashita, as applied to Claims 1 and 5 above, in further view of Sakamoto (U.S. Patent No. 6,332,036 B1).

Claim 1 recites, *inter alia*:

a luminance correction device configured to correct the luminance level of the video signals depending on the specific color luminance signal and on the basis of the shooting mode information selected by the shooting mode selection device.

Claim 5 recites, *inter alia*:

a luminance correction device configured to correct the luminance level of the video signals depending on the luminance level of the specific color video signals extracted by the specific color extraction device and on the basis of the shooting mode information selected by the shooting mode selection device.

Claim 10 recites, *inter alia*:

correcting the luminance level of the video signals depending on the luminance level of the specific color video signals extracted by the extracting and on the basis of the shooting

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<sup>1</sup> Application Fig. 7 is described in the specification as "Background Art".

mode information selected in the selecting desired shooting mode information.

It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Background Art Fig. 7, Yamashita, Sakamoto, or any conceivable combination thereof.

As can be seen in Application Fig. 7 (Background Art) shooting mode selection circuit 120A is connected to color correction value setting circuit 130A which in turn is connected to color difference signal correction circuit 110A. There is no luminance correction device included. Nor is there correction of the luminance level of the video signals depending on the specific color luminance signal and on the basis of the shooting mode information selected by the shooting mode selection device described in Fig. 7 and the corresponding specification description.

Yamashita describes in FIG. 1 “the color space converter 1 converts the input color signals (an R G B signal in this embodiment) to a signal ( $L^*$ ,  $u^*$ ,  $v^*$ ) expressing the coordinates of the selected color space.”<sup>2</sup>

Yamashita further describes:

“the color space converter 1 converts the input color signal (an R G B signal in this embodiment) to a signal ( $l^*$ ,  $u^*$ ,  $v^*$ ) expressing the coordinates of the selected color space (the CIE 1976 uniform observer color space... The luminance value setting device 3 similarly sets the reference value ( $Lg^*$ ) for the luminance of the reference color”

“a the chromaticity value setting device to sets a pre-selected chromaticity signal ( $u0^*$ ,  $v^*$ ) expressing the chromaticity coordinates of the reference color corresponding to a remembered color. The luminance value setting device 3 similarly sets the reference value ( $Lg^*$ ) for the luminance of the reference color, in the area setting device for sets a color adjustment area containing the target color.

For example, the chromaticity value setting device two sets the pre-selected chromaticity signal ( $u0^*$ ,  $v^*$ ) which represents a

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<sup>2</sup> Column 5, lines 18-21.

typical skin color of a Japanese and would appear to the viewers most natural skin color of a Japanese.

Therefore, Yamashita makes clear the adjustment of chromaticity and luminance value is determined based on a remembered color, for example, the skin color of a Japanese.<sup>3</sup>

Finally, Yamashita describes “[a]nother calculator 8 outputs the color-adjusted luminance signal ( $L_c^*$ ) by applying the weighting coefficient  $W$  determined by the weighting coefficient setting device 6 to the luminance signal ( $L^*$ ) produced from the color space converter 1 and the luminance signal ( $L_g^*$ ) produced from the luminance value setting device 3.”<sup>4</sup> Thus, as can be seen in Yamashita Fig. 1, there is no selection of desired shooting mode information from pieces of set shooting mode information, each of the pieces of shooting mode information including information concerning a specific color determined depending on a predetermined shooting condition as recited in independent Claims 1, 5 and 10. Nor does Yamashita describe a shooting mode selection device connected to luminance value setting device 3 as recited in those claims.

Nor does Yamashita provide any teaching, suggestion, motivation or other reasonable basis for adjusting chromaticity or luminance based on any other variable other than a remembered color such as the typical skin color of a Japanese. Rather, Yamashita teaches away from an adjustment of chromaticity or luminance based on any other reason other than a remembered color.

The Office Action concedes that “ACPA does not disclose a luminance correction device for correcting the luminance level of the video signals depending on... the basis of the shooting mode information selected by the shooting mode selection device.”

In the discussion of Yamashita in the Office Action beginning with the last indentation on page 5 through page 7, line 2, nowhere does the Office Action assert that

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<sup>3</sup> Column 5, lines 23-35.

<sup>4</sup> Column 6, lines 17-22.

Yamashita describes a luminance correction device configured to correct the luminance level of the video signals depending on... the basis of the shooting mode information selected by the shooting mode selection device as recited in Claims 1,5 and 10. The Office Action concludes, with regard to the discussion of independent Claims 1, 5 and 10 in section 7 which begins on page 4 thereof, in the paragraph bridging pages 6 and 7:

Therefore, the Examiner submits, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have incorporated the color processing apparatus, including the color difference detection device, the luminance correction device, and calculating the color correction values on the additional basis of the color difference data of the specific color detected by color difference detection device, as taught by Yamashita et al. in the imaging apparatus disclosed by ACPA.

Thus, the Office Action fails to consider or treat the language at the end of Claim 5 reciting “a luminance correction device configured to correct the luminance level of the video signals depending on... the basis of the shooting mode information selected by the shooting mode selection device.” Similar language is included in Claim 10 as previously amended and has been added by this amendment to Claim 1. It is respectfully submitted that neither the Background Art of Application Fig. 7 nor Yamashita nor the combination thereof describes or renders obvious the features of Claims 1, 5 and 10 quoted above.

Sakamoto fails to correct the deficiencies of the background art and Yamashita because Sakamoto fails to describe the features of Claims 1, 5 and 10 quoted above.

It is respectfully submitted the dependent Claims 2-4 and 6-9 are patentable at least for the reasons argued above with regard to the claims from which they depend.

Accordingly, it is respectfully requested that the rejections of Claims 1-10 be reconsidered and withdrawn, and that Claims 1-10 be found allowable.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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